



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

MICHAEL C. KEIFER *et al.*)

Serial No. 09/620,561)

Filed: July 20, 2000)

Group Art Unit: 1647

Examiner: R. Landsman

Atty. Dkt. No. PP-00165.006
022441.00001

For: **COMPOSITIONS COMPRISING POLYNUCLEOTIDES ENCODING HUMAN FIBROBLAST
GROWTH FACTOR RECEPTOR AND USES THEREOF**

COMMENT ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


The Examiner's statement of reasons for allowance mailed April 15, 2004 with respect to claim 37 states that "Applicants are claiming only those polynucleotides which encode SEQ ID NO:1. Applicants are not attempting to claim any polynucleotides which simply hybridize to polynucleotides encoding SEQ ID NO:1."

Applicants wish to clarify that claim 37 does not claim any particular polynucleotide(s). Claim 37 is directed to a method of identifying a polynucleotide having a sequence encoding the human fibroblast growth factor of SEQ ID NO:1. The method recites identifying a candidate that hybridizes to two recited oligonucleotide probes.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: May 18, 2004

By:


Lisa M. Hemmendinger
Registration No. 42,653

Customer No. 22907



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RESUBMISSION OF FORMAL DRAWINGS

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

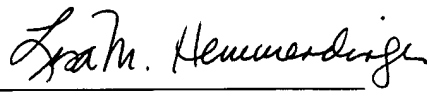
Formal drawings of Figures 1 and 2 accompany this paper. We believe no fee is required in connection with this filing. If a fee is due, please charge our Deposit Account No. 19-0733.

The formal drawings that accompany this paper are identical to those filed February 3, 2003 in response to the drawing review attached to Paper No. 8. A copy of the stamped postcard, indicating the U.S. Patent and Trademark Office's receipt of the drawings on February 3, 2003, is attached.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: May 18, 2004

By:



Lisa M. Hemmendinger
Registration No. 42,653

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☒ PATENT ☐ DESIGN B&W-Ref. 22441.00001 Date 2/3/03

☐ HAND CARRY Group/Section _____ Bldg _____ Rm _____

Serial/Patent No. 09/620561 Atty/Sec JMS/UMT/mek

Inventor Keifer et al. Client Chiron

Title Compositions comprising Polynucleotides encoding Human Fibroblast Receptor and Uses thereof as amended

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

☐ total pp Spec., including: # of Claims _____
(# of independent claims _____) ☐ Abstract

☒ Drawings: ☒ Formal ☐ Informal
of distinct sheets 2: Figs. 1-2

☐ Declaration/Power of Attorney: ☐ Executed ☒ Unexecuted

☐ Assignment w/PTO Cover Sheet

☐ IDS w/PTO 1449 ☐ References ☐ w/Fee

☐ Preliminary Amendment

☐ Priority Claim (Foreign or U.S. Provisional. B&W# _____)

Country _____ Appl. # _____ Date FEB 03 2003

☐ w/Foreign Priority Document(s)

☐ Application: ☐ CIP ☐ Continuation ☐ Divisional

Parent Ser. No. _____ B&W# _____

☐ U.S. Provisional _____ pp Spec/Claims; Cover Sheet

☐ Response to Missing Parts/Requirements did _____

☐ Response to Notice to File Corrected Appln. Papers did _____

☐ Request for Expedited Foreign Filing License

☐ Request for Corrected: ☐ Filing Receipt ☐ Assignment

☐ Response to Restriction/Election Requirement

☐ Sequence Listing: ☐ Diskette ☐ Paper

☐ Amendment ☐ Response: OA did 11/4/02

☐ Petition for Extension of Time until _____

☐ CPA ☐ RCE ☐ w/Ext of Time: OA did _____

☐ Request for Approval of Drawing Changes

☐ Notice of Appeal & Fee

☐ Brief: ☐ Appeal & Fee ☐ Reply

☐ Request for Oral Hearing

☐ Issue Fee ☐ Advance Patent Copies (# ordered _____)

☐ Notice of Allowance did _____

☐ Amendment under 37 CFR 1.312

☐ Request for Certificate of Correction

☐ Transmittal ☐ Fee Transmittal w/Auth. to Charge Deposit Acct.

☐ Certificate of Mailing

☐ Check # _____ for \$ _____

☒ Appendix 1 and 2

B&W Rev. 501

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8/3/03